

## CONTINUATION OF COMPLAINT

1. I, Theodore Westra, am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), currently assigned to the ATF Field Office in Grand Rapids, Michigan since January of 2015. Prior to that, I was a Drug Enforcement Administration (DEA) Task Force Officer for 6 years and had been a State of Michigan Certified Law Enforcement officer since 1998. My responsibilities include the investigation of criminal violations of Title 18 and Title 21 of the United States Code.
2. The information in this criminal complaint is on my personal knowledge gained from my participation in this investigation, including witness interviews by myself and/or other law enforcement agents. The information provided outlined below is for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.
3. I am investigating Leo Charles BERRY for violations of federal firearms laws, specifically felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1).
4. On July 27, 2024, law enforcement personnel from the Benton Harbor Department of Public Safety (BHDPS), in coordination with the Benton Harbor Safe Streets Task Force including members of the Michigan State Police (MSP) and the Federal Bureau of Investigation (FBI), were conducting proactive enforcement operations in Benton Harbor, Michigan.
5. During this operation, FBI Special Agent (SA) Ben Glynn observed a group of people exit a black Chevrolet Tahoe parked near the intersection of McAlister Avenue and Catalpa Avenue in Berrien County, Michigan. The group included two Black male subjects wearing black ski masks covering their heads and most of their faces, despite the warm summer weather. One of the males was wearing a black sweatshirt and black pants. The other was a tall, light-skin male wearing a basketball jersey.
6. During the operation, SA Glynn received information from a confidential source indicating that one of the individuals, described as wearing black pants, a black sweatshirt, and a black ski mask, was in possession of a firearm. The confidential source further relayed that this man, in all black, was with a light skin Black male in a basketball jersey, who also had a ski mask.

7. Investigators maintained surveillance on the Tahoe and eventually observed the Black male in the sweatshirt and the tall, light-skin male in the basketball jersey return to the Tahoe with a group of people.
8. The Tahoe had Michigan registration plate EUT 1265. A Law Enforcement Information Network (LEIN) check revealed that the vehicle lacked Electronic Insurance Verification (EIV). Officers also observed that the vehicle's windows were tinted beyond the legal limit.
9. BHDPS officers initiated a traffic stop based on the EIV violation and unlawful window tint. Upon stopping the vehicle, officers approached and found the window tint to be excessively dark. BERRY did not fully comply with officer requests to roll down the window. The officer at the driver's window observed BERRY moving his hands around inside the vehicle, away from the driver's door.
10. The driver, later identified as Leo Charles BERRY, was asked to exit the vehicle, along with the other occupants. BERRY was the only occupant wearing a basketball jersey.
11. Another occupant fled during a Terry pat-down. He was caught and found to have been carrying a firearm, which he discarded during his flight. That individual has since pleaded guilty to a firearms-related charge in state court.
12. A subsequent search of the Tahoe revealed two firearms. Notably, officers discovered a Glock Model 35, .40 caliber pistol, serial number ADKP735, located in the center console within reach and control of the driver, BERRY.
13. Following the execution of a federal search warrant in the Western District of Michigan (24-mj-351), investigators located a video on BERRY's cell phone showing BERRY in possession of two Glock pistols, including what appears to be a Glock Model 35 .40 caliber pistol. The video was created on July 7, 2024.
14. I am trained as an Interstate Nexus Expert and have determined the above-mentioned Glock firearm was manufactured and/or distributed from the State of Georgia.

15. A review of BERRY's criminal history through LEIN reveals the following felony convictions:

- 2014 – Maintaining a Drug House (Enhanced to Felony)
- 2017 – Del/Mfg Cocaine, heroin or another narcotic
- 2017 – Police Officer – Assault/Resist/Obstruct
- 2018 – Del/Mfg Cocaine, heroin or another narcotic
- 2018 – Felon in possession of weapons / ammunition
- 2018 – Del/Mfg Cocaine, heroin or another narcotic

16. The foregoing is provided in support of this complaint charging that Leo Charles BERRY, knowing that he had been convicted of a felony, did knowingly possess a firearm in violation of 18 U.S.C. § 922(g)(1).